

BEFORE THE DIRECTOR
OF THE
OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14TH STREET, N.W. SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

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|------------------------------------|---|-------------------------------------|
| IN THE MATTER OF | } | DATE: July 20, 2006 |
| | } | |
| Kathy Henderson for Ward 5 Council | } | DOCKET NO: 06C- 010 |
| Kathy Henderson, Treasurer | } | |
| 1807 L Street, NE | } | HEARING OFFICER: William O. SanFord |
| Washington, DC 20002 | } | |

ORDER

Statement of the Case

This matter comes before the Office of Campaign Finance (OCF) upon an inquiry conducted by the Office of Campaign Finance which determined that Kathy Henderson for Ward 5 Council for which Kathy Henderson serves as treasurer failed to timely file on or before June 12, 2006 a June 10, 2006 Report of Receipts and Expenditures (June 10, 2006 Report), pursuant to D.C. Official Code §1-1102.06(a) (2001 Edition).

By Notice of Hearing, Statement of Violations and Order of Appearance dated June 21, 2006, OCF ordered Kathy Henderson (hereinafter respondent candidate) to appear at a scheduled hearing on June 28, 2006 and show cause why Kathy Henderson for Ward 5 Council (hereinafter respondent committee) should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq. (Act) and fined accordingly.

On June 28, 2006, respondent candidate appeared pro se; OCF was represented by Wesley Williams, Public Affairs Specialist with the Public Information and Records Management Division.

Summary of Evidence

Mr. Williams alleged that Kathy Henderson for Ward 5 Council failed to timely file the statutorily required June 10, 2006 Report by June 12, 2006. Respondent candidate stated that she accessed OCF's electronic filing web-site on June 12, 2006 but she was unable to complete the electronic filing process before midnight on that date due to a recurring error. Respondent candidate additionally stated that when she finally resolved the filing error, it was after midnight which resulted in a June 13, 2006 submission being attached to her report. Respondent candidate noted that she had

no prior filing delinquencies with OCF.

Findings of Fact

Having reviewed the allegations and OCF records, I find:

1. Respondent committee was required to file a June 10, 2006 Report with OCF on or before June 12, 2006.
2. Respondent committee did not timely file a June 10, 2006 Report with OCF.
3. Respondent candidate submitted a June 10, 2006 to OCF on June 13, 2006.
4. OCF's records confirm that the respondent committee's June 10, 2006 Report was received via electronic filing on June 13, 2006.
5. Respondent committee is currently in compliance.

Conclusion of Law

Based upon the record and evidence, I therefore conclude:

1. Kathy Henderson for Ward 5 Council violated D.C. Official Code Section 1-1105.05(a).
2. The penalty established at 3DCMR Sections 3711.2(f) and 3711.4 for failure to timely file a June 10, 2006 Report required by D.C. Official Code Section 1-1102.06(a) is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code Section 1-1103.05(b)(3) and 3DCMR Sections 3711.2(f) and 3711.4, Citizens to Kathy Henderson for Ward 5 Council may be fined a maximum of \$50.00 for failing to timely file a June 10, 2006 Report.
4. For good cause shown pursuant to 3DCMR Section 3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent candidate's explanation for failing to timely file the June 10, 2006, provided good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the case file, I hereby recommend that the Director suspend the fine that could be imposed in this matter.

Date

**William O. SanFord
Hearing Officer**

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

**Kathy S. Williams
General Counsel**

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine of \$50.00 that could be imposed against Kathy Henderson for Ward 5 Council for failing to timely file a June 10, 2006 Report of Receipts and Expenditures is hereby suspended.

Date

**Cecily E. Collier-Montgomery
Director**

This Order may be appealed to the Board of Elections and Ethics within 15 days from the date of issuance.

NOTICE

Pursuant to 3 DCMR § 3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, and 2000 14th Street, NW, Washington, D.C. 20009.

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

April Williams